D.B.CIVIL WRIT PETITION NO.5640/1999
Rajendra Singh v. State of Rajasthan & ors.

Date of order : 29.03.2007.

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

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Shri S.N.Kumawat for the petitioner
Shri Bharat Vyas, Addl. Advocate General
Shri Anshuman Saxena for respondent no.4
Shri Sharansh Saini for respondent nos. 5 and 6

This writ petition has been filed seeking direction upon the respondents to establish veterinary hospital on the land of khasra no. 369 in village Majri Kalan within Behror tehsil of Alwar district. The petitioner also seeks quashing of the order of the District Collector, Alwar dated 11.10.1999 whereby the claim of the petitioner for establishing the hospital on the land was considered in the light of direction of this Court but rejected on the finding that the land of khasra no. 1476 was more suitable for establishing veterinary hospital.

The case of the petitioner is that he had donated the land for establishing veterinary hospital. The donation was accepted by the Gram Panchayat under resolution date4d 30.5.1998 and patta was accordingly issued in the name of veterinary hospital on 30.6.1998. The respondents had thus no option but to establish the hospital on the land of khasra no. 369.

Having regard to the findings arrived at by the Collector in order dated 11.10.1999 holding that the land of khasra no. 1476 was more suitable for veterinary hospital it is difficult to substitute or otherwise modify the decision in writ jurisdiction. The proper course in the circumstances, in our opinion, is to restore the land in question back to the petitioner. It has been stated that the land has remained in possession of the petitioner and there is also no change in the revenue records. We are nevertheless of the view that grant of patta in the name of veterinary hospital may create complications to the petitioner in future. Counsel for the Gram Panchayat fairly stated that the Gram Panchayat will cancel the said patta dated 30.6.1998.

We accordingly dispose of the writ petition with a direction to the Gram Panchayat to cancel the patta and restore the status quo ante.

(MOHAMMAD RAFIQ), J. (S.N.JHA), C.J.

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